

HOUSE BILL 1201

P1

2lr2161
CF SB 532

By: **Delegates Conway, Beidle, Beitzel, Bohanan, Cane, Clagett, Cluster, DeBoy, Eckardt, Haddaway–Riccio, Hershey, Hogan, Holmes, Jacobs, James, McMillan, Minnick, Norman, O'Donnell, Otto, Rudolph, Vitale, Weir, and Wood**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Planning – State Development Plan – Use and Conflicts of**
3 **Law**

4 FOR the purpose of prohibiting the State Development Plan from being used to create
5 or establish a new cause for State denial of certain projects, permits, or
6 approvals or to deny certain State funding; requiring the Department of
7 Planning and a certain county or municipal corporation to meet in good faith
8 and seek to resolve a certain conflict under certain circumstances; providing
9 that the comprehensive plan, zoning laws, and local ordinances of a county or
10 municipal corporation shall govern for a certain purpose if a certain conflict is
11 not resolved; and generally relating to restrictions on the use of, and conflicts
12 that may arise regarding, the State Development Plan.

13 BY adding to
14 Article – State Finance and Procurement
15 Section 5–606
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2011 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – State Finance and Procurement**

21 **5–606.**

22 **(A) THE PLAN MAY NOT BE USED TO:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) CREATE OR ESTABLISH A NEW CAUSE FOR STATE DENIAL OF**
2 **PROJECTS, PERMITS, OR APPROVALS; OR**

3 **(2) DENY STATE FUNDING MANDATED BY STATUTE, REGULATION,**
4 **OR IN THE ANNUAL STATE OPERATING OR CAPITAL BUDGETS.**

5 **(B) (1) IF THERE IS A CONFLICT BETWEEN THE PLAN AND A COUNTY**
6 **OR MUNICIPAL CORPORATION CONCERNING THE IDENTIFICATION OF GROWTH,**
7 **PRESERVATION, OR OTHER PLANNING AREAS IN THE PLAN, THE DEPARTMENT**
8 **AND THE COUNTY OR MUNICIPAL CORPORATION SHALL MEET IN GOOD FAITH**
9 **AND SEEK TO RESOLVE THE CONFLICT.**

10 **(2) IF THE CONFLICT IS NOT RESOLVED, THE COMPREHENSIVE**
11 **PLAN, ZONING LAWS, AND LOCAL ORDINANCES OF THE COUNTY OR MUNICIPAL**
12 **CORPORATION SHALL GOVERN WITH RESPECT TO THE IDENTIFICATION OF A**
13 **GROWTH, PRESERVATION, OR OTHER PLANNING AREA.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2012.